

HOUSE BILL 3838  
By Brooks (Shelby)

AN ACT to amend Tennessee Code Annotated, Section 55-50-311, relative to drivers possessing learner permits or intermediate driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-311, is amended by deleting subsection (n) in its entirety and by substituting instead the following language:

(n)

(1) No driver possessing a learner permit or intermediate driver license pursuant to the provisions of this section shall operate a motor vehicle in motion on any highway while using a mobile telephone.

(2) A violation of this subsection (n) is a Class C misdemeanor, punishable only as follows:

(A) A fine of fifty dollars (\$50.00); and

(B) Such driver shall be ineligible to apply for an intermediate or unrestricted driver license for an additional ninety (90) days from the time such driver would otherwise be eligible to obtain such license type.

(3) It is an affirmative defense to prosecution under this subsection (n), which must be proven by a preponderance of the evidence, that the driver's use of a mobile telephone was necessitated by a bona fide emergency. The use of a mobile telephone while operating a vehicle by any driver who is eighteen (18) years of age or less to communicate with such person's custodial parent shall be deemed a bona fide emergency and shall not be a violation of this subsection (n).

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.